

2005-2006 SMALL GAME - FURBEARER

PROCLAMATION

Pursuant to North Dakota law and upon the recommendation of the North Dakota Game and Fish Director (hereafter called "Director") I hereby declare an open season in 2005 and 2006 on certain species of wildlife, as hereafter identified, to be taken with archery equipment, gun, and raptors and for the harvest of certain furbearers.

1. Except as provided hereinafter or otherwise by law, no person shall hunt, trap, snare, kill, take, possess, or so attempt to hunt, trap, snare, kill, take, or possess any small game or furbearer or parts thereof.
2. No person may possess a live protected bird or release a live protected bird into the wild unless authorized by permit. No person may sell live protected or native wildlife without a permit from the Department.
3. **DEFINITIONS.** As hereinafter used, unless the content or subject matter otherwise requires: "Game" shall include any of those species of small game or furbearers as defined in Section 20.1-01-02 of the North Dakota Century Code. "Upland game" shall include sharp-tailed, sage and pinnated grouse (prairie chicken), Hungarian partridge, pheasants, ruffed grouse, and tree squirrels. "Waterfowl" shall include ducks, geese, swans, mergansers, and coots. "Migratory game bird" shall include ducks, geese, coots, mergansers, snipe, woodcock, cranes, swans, and doves.

"Daily bag limit" means the maximum number of the particular game referred to in single or aggregate for which a bag limit is prescribed and that one hunter, legally licensed by this state, may take or kill for that species during a single hunting day, within the boundaries of this state to include Indian reservations.

"Possession limit" means the maximum number of the particular game referred (except waterfowl and migratory game birds) that a hunter, legally licensed by this state, may have in his/her actual possession during any phase of any single hunting trip, venture, or expedition of more than one day. The possession limit at ones personal permanent residence is unlimited. No more than a daily limit may be taken on any one day

"Possession limit for waterfowl and migratory game birds" means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed

4. **HOURS OF HUNTING** shall be prescribed by Central Daylight Time starting August 6 through October 29, 2005 and thereafter prescribed by Central Standard Time starting October 30, 2005.

Hours of hunting for upland game, mourning dove, snipe, swans, woodcock, crow and Canada geese, during the September Canada Goose Season, shall be from one-half hour before sunrise to sunset each day. Sandhill crane hunting shall be from one-half hour before sunrise to 1 p.m. each day, including the opening day, through October 29. Starting October 30, shooting hours for sandhill cranes shall be from one-half hour before sunrise to 2 p.m. each day. Hours for hunting mink, muskrat, and weasel with firearms and archery equipment shall be from one-half hour before sunrise to one-half hour after sunset each day. Hours for hunting red and gray fox,

bobcat, coyote, beaver, and badger with firearms, archery equipment, and dogs shall be from one-half hour before sunrise to one-half hour after sunset each day except for fox and coyote outlined in Section 22. Raccoon may be taken at any hour of the day but only under the restrictions outlined in Section 22 of this proclamation. Shooting hours for mountain lions are outlined in Section 23. All trapping and snaring seasons and raccoon hunting shall open at one-half hour before sunrise. Trapping or snaring is legal at any hour after the opening.

5. **TRAPS, WEAPONS AND AMMUNITION.**

Small Game: Only firearms, no smaller than .410 caliber nor larger than 10 gauge, loaded with shot and capable of holding no more than three shells, legal archery equipment, and raptors may be used except as otherwise specified. Pistols may not be used to take migratory game birds. A bow must be pulled, held, and released by hand. Any release aid may be used providing it is hand operated, the shooter supports the draw weight of the bow, and the release is not attached to any part of the bow other than at the bowstring. Telescopic sights, range finding devices, battery-powered or electronically lighted sights or other electronic devices attached to the bow, or the arrow, are not permitted. Handheld range finding devices are legal. Arrows capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead, are prohibited while hunting small game with a bow (e.g., explosive arrow points, arrows tipped with drugs or chemicals, and pneumatic or hydraulic shafts are illegal). Arrows must be at least 24 inches long and have at least 2 untrimmed feathers or not less than 5 trimmed feathers when shooting at birds in flight. Raptors may be used only by those possessing a falconry permit. Firearms may not be carried in or on a motor vehicle with a cartridge in the chamber. The entire cylinder of a revolver is considered the chamber, requiring the revolver to be completely unloaded. It is illegal to carry any muzzleloader in or on a motor vehicle with a percussion cap on the nipple or powder in the flash pan.

Paraplegics and/or those having lost the use of one or both arms, having a permit from the Director to hunt with a crossbow, may use such a weapon during the small game season. Crossbows must: a) have a peak draw weight of at least 75 pounds and not more than 200 pounds, b) be equipped with a working safety to prevent accidental firing, c) have a stock at least 14 inches long, d) use arrows or bolts at least 14 inches in length, e) Battery-powered and electronic-lighted sight pins and telescopic sights not exceeding a maximum power of four by thirty-two millimeters may be attached to crossbows used for hunting, and f) crossbow hunters must comply with all other archery equipment regulations listed above.

Non-Toxic Shot: Possession or use of shot other than Federally approved non-toxic shot is prohibited while hunting ducks, geese, sandhill cranes, snipe, tundra swans, mergansers, and coots. Possession of "shot other than non-toxic shot" means in the gun, or in the pockets, or within reach while in the process of hunting ducks, geese, swans, sandhill cranes, snipe, and coots. In addition, all federal refuges (National Wildlife Refuges) require non-toxic shot for hunting upland game. For additional information on non-toxic shot use on National Wildlife Refuges contact the refuge manager.

Conibear type traps and water sets:

State Wildlife Management Areas (WMA's)

Year round the following are allowed:

Conibear type traps greater than 6" inside jaw spread must –

- be in 4" or more of water; or
- be recessed at least 7" in a plastic, wood, or metal cubby with a maximum 50 square inch opening; or
- be recessed at least 10" in a plastic, wood, or metal cubby with a maximum 80 square inch opening.

All Other Lands

From September 1, 2005 through October 23, 2005 the following are allowed:

Conibear type traps greater than 8" inside jaw spread and all water sets (including foothold traps) must –

- be in 4" or more of water; or
- be used in an upland set and recessed at least 10" in a plastic, wood, or metal cubby with a maximum 80 square inch opening.

From October 24 through January 1, 2006 the following are allowed:

Conibear type traps greater than 8" inside jaw spread must –

- be in 4" or more of water; or
- be used in an upland set and recessed at least 10" in a plastic, wood, or metal cubby with a maximum 80 square inch opening.

From January 2, 2006 through August 31, 2006 the following are allowed:

- No restrictions on the placement of conibear type traps and water sets except for muskrats.

For Muskrats Only: March 13, 2006 through May 7, 2006 the following are allowed:

- Foothold or colony traps using underwater sets must be in 2" or more of water.
- Only 2" of conibear trap or snare for muskrats can be above the water surface.
- Float sets are prohibited.
- Trapping or snaring on the outside of any muskrat house or structure of any size is prohibited.

Written permission is required to trap or snare on private land; the grantor may determine the length of time permission is granted.

6. **AREAS CLOSED TO HUNTING.** Federal properties such as refuges, sanctuaries, military installations, parks, or historic sites posted to trespassing and/or hunting are closed to hunting and fur taking of all species. Small game hunting and fur taking shall be permitted at times and on those areas of federally owned refuges designated by the refuge manager.

A permit from the Director is required to take furbearers on those state wildlife management areas and state easement refuges posted closed to hunting. National parks and historic sites are closed to trapping.

7. **WANTON WASTE OF WATERFOWL, MIGRATORY GAME BIRDS, AND UPLAND GAME.** No person shall kill, cripple, waste, destroy, spoil, or abandon the edible flesh of any migratory game bird or upland game without making a reasonable effort to retrieve the bird/animal, and retain it in his/her actual custody, at the place where taken and between that place and either (a) his/her personal permanent residence, (b) taxidermist or (c) a common carrier. Edible flesh means the breast meat of any game bird or the hind legs and lower back of a squirrel.
8. **IDENTIFICATION.** One fully feathered wing or the fully feathered head of all waterfowl, snipe, crane, and woodcock; and one leg and foot, or the fully feathered head, or the fully feathered wing of pheasants, Hungarian partridge, and all grouse shall remain attached to such game during the transportation or shipment to its final place of storage.
9. **TRANSPORTATION AND STORAGE.** License holders must accompany their game, or parts thereof, (excluding hide) during transportation. Game may be shipped by common carrier in receipt of proper bill of lading. No resident of the state may ship game or parts thereof (other than hides) out of state without a permit from the Department. Except for legally gifted game, it is illegal to possess or transport another's game animal or parts thereof (excluding hides) without the license holder accompanying or as otherwise permitted.

No person shall leave or store any game birds at any place other than that person's legal residence unless each piece of game is tagged with the owner's signature and address, date taken, number and species of game, and license number of the person who harvested the game.

Game may be gifted to another, however, nothing allows a person to exceed a daily limit. Any gifted game to be transported must be tagged with the above information and display sex and species identification as required. Termination of possession can only be accomplished by: 1) Gifting of legally harvested game. 2) By consuming the game.

No one may possess in the field, transport, or ship at any one time, more than a possession limit of upland game. No one may possess, store, transport or ship at any one time more than a possession limit of migratory game birds.

10. **LICENSES OR SPECIAL PERMITS** shall be issued for each season in a manner and form prescribed by the Director and in accordance with law. Most hunting licenses shall be in the form of a stamp that must be endorsed in ink with the licensee's signature and affixed to the back of the licensee's fishing, hunting, and furbearer certificate. **FEDERAL WATERFOWL STAMP:** No person 16 years of age or older shall hunt, kill, or take any duck, goose, merganser, or swan without having in his/her possession a federal waterfowl stamp for the season and validated by his/her signature written across the face thereof in ink. All migratory game bird hunters must be certified annually through the Harvest Information Program (HIP).

Nonresident Waterfowl Licenses and Zones. Nonresident waterfowl hunters shall be restricted to the following conditions: 1) Statewide waterfowl license holders may hunt in any open zone for 14 consecutive days or 2 periods of 7 consecutive days; 2)

Nonresidents may hunt only 14 consecutive days in one designated zone or two periods of 7 consecutive days in one or two different zones; 3) Nonresident waterfowl hunters must have the zone(s) selected hunting days clearly marked upon their license. Nonresident waterfowl licenses will be issued through the Game and Fish Bismarck office, the internet and by telephone. Nonresidents who designate zones 1 or 2 may hunt that zone for only one 7-day period during the season. Nonresident hunters who have chosen to hunt in zone 1 or 2 and wish to utilize the full 14 consecutive days allowed must use the other 7 days in zone 3. Nonresidents cannot hunt both zones 1 or 2 during the season. Hunters in zone 3 can hunt that zone the entire 14 days.

Nonresidents, who only hunt waterfowl in North Dakota for one week, and want to maximize hunting opportunities in the state, can choose to run their two 7-day periods at the same time. To do this, hunters must choose either zone 1 or 2, and select zone 3 for the same 7-day period. By designating both of these options for the same week, the 14 day total is met.

ZONE 1. U.S. Highway 281 from South Dakota to Jamestown; U.S. Highway 52 from Jamestown to Carrington; N.D. Highway 200 from Carrington to Hurdsfield; and N.D. Highway 3 from Hurdsfield to South Dakota.

ZONE 2. N.D. Highway 36 from Wilton to Tuttle; N.D. Highway 3 from Tuttle to Hurdsfield; N.D. Highway 200 from Hurdsfield to U.S. Highway 52 east of Bowdon; north on U.S. Highway 52 to N.D. Highway 97 south of Velva; west on N.D. Highway 97 to N.D. Highway 41; south on N.D. Highway 41 (south of Velva) to N.D. Highway 200 at Turtle Lake; west on N.D. Highway 200 to N.D. Highway 200A; south on N.D. Highway 200A to Washburn; and south on U.S. Highway 83 to Wilton.

ZONE 3. The remainder of the state.

Only North Dakota residents shall be permitted to hunt waterfowl from September 24, 2005 through September 30, 2005. In accordance with state law, nonresidents shall be prohibited from hunting Game and Fish Department Wildlife Management Areas or on Conservation PLOTS (Private Land Open To Sportsmen) areas from October 8 through October 14.

11. **LIMITS.** Unlimited numbers of any furbearer may be taken and possessed, unless otherwise specified. Limits on small game species are specified in the following sections.
12. **MALE PHEASANTS** may be taken statewide from October 8, 2005 through January 8, 2006, with the following restrictions:
 - 1) In accordance with N.D.C.C. 20.1-08-04.9, non-residents shall be prohibited from pheasant hunting from October 8, 2005 through October 14, 2005 on Game and Fish Department wildlife management areas or Conservation PLOTS (Private Land Open To Sportsmen) Areas; and
 - 2) A delayed opening area in Williams and McKenzie counties starting at a point on the Montana border where the Burlington Northern railroad tracks enter North Dakota, thence east on these tracks to the west boundary of the Trenton Wildlife Management Area (southwest of Trenton), thence south and east on the boundary of the Trenton WMA to the Missouri River, thence directly across the river, thence west to the Yellowstone River, thence south and west on the Yellowstone River to the

Montana border, and thence north to the point of origin where male pheasants may be taken from October 22, 2005 through January 8, 2006.

3) Youth Pheasant Season. Legally licensed individuals 12 through 16 years of age may hunt pheasants statewide on October 1 and 2, 2005. An adult, at least 18 years of age, must accompany the youth pheasant hunter into the field. Any adult accompanying the youth into the field may not carry a firearm and may not hunt any species of wildlife.

The daily bag limit shall be 3 and the possession limit 12.

13. **HUNGARIAN PARTRIDGE** may be taken statewide from September 10, 2005 through January 8, 2006. The daily bag limit shall be 3 and the possession limit 12.
14. **SHARP-TAILED GROUSE** may be taken statewide from September 10, 2005 through January 8, 2006 (see **Exception** in following paragraph). The daily bag limit shall be 3 and the possession limit 12.

EXCEPTION: That portion of North Dakota bordered on the west by N.D. No. 32, on the north by the Sheyenne River, on the south N.D. Highway 11 and on the east by the Red and Bois de Sioux Rivers: and an area in Grand Forks County bordered on the east by the Red River, the south by U.S. Highway 2, the west by N.D. Highway 18 and the north by the Walsh and Grand Forks County line will only be open for sharp-tailed grouse and pinnated grouse (prairie chicken) hunting from October 8, 2005 through October 16, 2005 by permit only. See Section 15 for permit details.

15. **PINNATED GROUSE (Prairie Chicken):** may be taken from October 8 through October 16, 2005 in that portion of North Dakota bordered on the west by N.D. Highway 32, on the north by the Sheyenne River, on the south N.D. Highway 11 and on the east by the Red and Bois de Sioux Rivers: and in an area in Grand Forks County bordered on the east by the Red River, the south by U.S. Highway 2, the west by N.D. Highway 18 and the north by the Walsh and Grand Forks County line will be open for sharp-tailed grouse and pinnated grouse (prairie chicken) hunting from October 8, 2005 through October 16, 2005 by permit only. Fifty permits will be issued by lottery for each of the above open areas. A permit holder may take only two prairie chickens during this special season and each prairie chicken must be tagged immediately upon kill with the Department issued tag.

A permit holder may also take sharp-tailed grouse in the designated area throughout the 9 day season. The daily limit will be 3 and the possession limit 12. However, once a permit holder harvests two prairie chickens they will no longer be eligible to hunt sharp-tailed grouse or prairie chickens in the designated area.

Permits will only be available for residents who must apply by August 10, 2005. A person may submit only one application. Resident hunters who wish to apply for a permit may do so by sending a post card with their name, address, phone number and choice of hunting unit to: ND Game and Fish Dept.; Attn: Prairie Chicken App.; 100 North Bismarck Expressway; Bismarck, ND 58501. Postcards must be postmarked August 10, 2005 or earlier. Only one individual may apply per post card. The applicants will be selected by drawing. Only those applicants who are drawn for a permit will be notified.

16. **RUFFED GROUSE** may be taken in Bottineau, Rolette, Cavalier, Pembina, and Walsh counties and that portion of J. Clark Salyer National Wildlife Refuge in McHenry County south of the Upham-Willow City road from September 10, 2005 through January 8, 2006. The daily bag limit shall be 3 and the possession limit 12.
17. **SAGE GROUSE** may be taken in the area south of Interstate 94 and west of U.S. Highway 85 from September 26 through September 28, 2005. The daily bag limit shall be 1 and the possession limit 1.
18. **TREE SQUIRRELS** may be taken statewide from September 10, 2005 through January 8, 2006. Tree squirrels may be taken with shotguns, rimfire and muzzleloading firearms, or with bow and arrows legal for the taking of upland game. The daily bag limit shall be 4 and the possession limit 12.
19. **BEAVER** may be taken with firearms, traps, underwater snares, and archery (including crossbows) statewide and year round. The season will officially close March 31 and reopen April 1 of each year. Snares may be used on land November 19, 2005 through May 7, 2006. From March 13, 2006 through May 7, 2006 snares must be within 50 feet of water; they must be no greater than 4 inches off the ground and they must have a stop restricting loop size to 12 inches or less in diameter. Snares must possess a snare lock or breakaway device that has been tested to break or disassemble at no more than 350 lbs. pull.

Beaver dams may be partially or completely dismantled when their presence causes property damage.

20. **WEASEL, MINK, AND MUSKRAT.**

Weasel

May be taken statewide with traps only from October 22, 2005 through March 12, 2006.

Snares may be used statewide from November 19, 2005 through March 12, 2006.

May be hunted statewide with .22 caliber rimfire rifles or pistols, muzzleloaders of .45 caliber or smaller, and longbows and crossbows from October 22, 2005 through March 12, 2006.

Mink

May be taken statewide with traps only from October 22, 2005 through March 12, 2006.

Snares may be used statewide from November 19, 2005 through March 12, 2006.

May be hunted statewide with .22 caliber rimfire rifles or pistols, muzzleloaders of .45 caliber or smaller, and longbows and crossbows from November 19, 2005 through March 12, 2006.

Muskrat

May be taken statewide with traps only from October 22, 2005 through March 12, 2006. Muskrat huts may be opened for insertion of traps or snares, however, the huts must be restored to their approximate original condition to prevent freeze-up.

Snares may be used statewide from November 19, 2005 through March 12, 2006. Muskrat huts may be opened for insertion of traps or snares, however, the huts must be restored to their approximate original condition to prevent freeze-up.

May be trapped statewide with foothold traps or colony traps using underwater sets that are at least 2 inches under water or trapped with conibear-type traps or snares with no more than 2 inches of the conibear trap or snare above the water surface from March 13, 2006 through May 7, 2006. During this time period, float sets are prohibited, and trapping or snaring on the outside of any muskrat house or structure of any size is prohibited.

May be hunted statewide with .22 caliber rimfire rifles or pistols, muzzleloaders of .45 caliber or smaller, and longbows and crossbows from November 19, 2005 through May 7, 2006.

21. **BOBCAT** may be hunted with firearms, archery equipment (including crossbows), and dogs, or trapped, from November 5, 2005 through March 12, 2006 and bobcats may be snared from November 19, 2005 through March 12, 2006. The season shall be open only in the area south and west of the Missouri River. The pelt and carcass of each bobcat must be presented to Game and Fish Department personnel for inspection and tagging no later than 14 days after the close of the season, or prior to sale or transfer of possession, whichever comes first. Absolutely no bobcat pelt will be tagged until the animal is skinned and presented with the intact carcass. The carcass then becomes the property of the Department. No person, taxidermist, or fur dealer shall possess or purchase an untagged bobcat. When any part of the animal is mounted, if the tag is removed from the pelt, the tag must be securely fastened to the back or bottom of the mount and remain there.

Pelt tags are available from the U.S. Fish and Wildlife Service to be used on the pelts of captive born and raised lynx in North Dakota. Documented proof must be presented to establish that the individual lynx are from an established breeding colony, and that the individual lynx are off-spring of captive lynx (at least F2 generation in captivity).

22. **RED FOX, GRAY FOX, COYOTE, RACCOON, AND BADGER** may be taken with firearms, traps, archery equipment (including crossbows), and dogs statewide and year round. The season will officially close March 31 and reopen April 1 of each year. Snares may be used statewide from November 19, 2005 through March 12, 2006.

Red Fox, Gray Fox, and Coyotes may be hunted at any hour of the day from November 19, 2005 through March 19, 2006. Any person who engages in the hunting of red fox, gray fox, or coyotes during the time from ½ hour after sunset to ½ hour before sunrise, must hunt exclusively on foot and use a predator call. The use of a spotlight or any other artificial light is prohibited.

Raccoon may be taken at any hour of the day, while hunting on foot, with the aid of a flashlight with a power source of not more than 6 volts. A red or amber filter must be placed over the light except when taking a raccoon treed or at bay. The use of auto headlights, spotlights, and lights other than a flashlight with a power source of not over 6 volts as an aid in taking raccoon is prohibited. Legal weapons for flashlight hunting of raccoon are rifles or handguns firing a rimfire cartridge no larger than .22 caliber long rifle or shotguns no larger than .410 gauge. Rifled slugs are not legal.

23. **EXPERIMENTAL (QUOTA) MOUNTAIN LION SEASON:**

North Dakota residents may harvest mountain lions statewide from September 2, 2005 through March 12, 2006. Shooting hours will be one half (½) hour before sunrise to one half (½) hour after sunset and any legal weapon currently allowed for furbearers is legal. Dogs may be used to hunt mountain lions. Snares and traps cannot be used to take mountain lions. A quota of 5 mountain lions will be allowed. The limit for mountain lions is one animal per hunter per season. Once this quota is reached, the season will be closed immediately. The North Dakota Game and Fish Department will inform the public through press releases, public service announcements, and media contacts of this closure. This quota will include all lions taken by USDA Wildlife Services, North Dakota Game and Fish Department, private landowners in defense of livestock, road killed animals, incidental animals taken by traps or snares, and animals taken for human safety issues. This quota also includes mountain lions taken in accordance with tribal regulations on Indian land within the exterior boundaries of the Fort Berthold Reservation. This quota does not include mountain lions taken on other Indian land within the exterior boundaries of a reservation. Any mountain lion that is taken must be reported to the Department within 12 hours and the entire intact animal must be submitted for analysis. Legally taken animals will be returned to the hunter following analysis.

24. **SNARES.**

- Use of snares is permitted on state wildlife management areas and federal waterfowl production areas after the close of the small game season through March 12, 2006.
- A metal or plastic tag must be attached to each snare. This tag must bear the trapper's name, address, and telephone number.
- Written permission must be secured from the landowner prior to placing or setting snares on private land; the grantor may determine the length of time permission is granted.
- Use of relaxing snares is permitted. One stop must be permanently affixed to each snare on land that will prevent the snare from opening to a diameter greater than 12 inches.
- Snares cannot be placed or set in the field prior to the opening date or remain set or placed in the field after the closing date of the snaring season for the respective species.
- All snares must be affixed to an immovable object solidly attached to the ground. The use of drags is prohibited.
- Snares cannot be set so the bottom of the loop is higher than 12 inches off the ground; or when the ground is snow covered, more than 12 inches above the bottom of a man's footprint in the snow beneath the snare with the full body weight on the foot.

- Snares must be constructed of galvanized or stainless steel cable of 1/16" diameter or larger (no single strand snares/cable are allowed).
 - Snares must possess a snare lock or breakaway device that has been tested to break or disassemble no more than 350 lbs. pull. Following is a list of commercially manufactured and available snares that have been tested and meet the requirements (as manufactured by the company): 1) Hopkin S-hook, 2) Gregerson leg snare, 3) Gregerson neck snare, 4) Kelly (Amberg), 5) Snare Shop ND lock and stop system, 6) Grawe's 12 ga bullet lock snare with release, 7) Sullivan Breakaway S-hook, 8) Snare Shop Breakaway S-hook, 9) Snare Shop Breakaway J-hook, 10) Grawe's "Mini Mag" snare with release.
 - Those snares previously tested that have met the requirements but are no longer commercially available, are still legal to use in the state.
 - Individuals that are self-assembling snares from components must assume liability and responsibility for ensuring locks that break or disassemble at 350 lbs. or less.
25. **PROTECTED FURBEARERS.** The season for lynx (Lynx canadensis), wolf (Canis lupus), swift fox (Vulpes velox), black bear (Ursus americanus), wolverine (Gulo gulo), marten (Martes americana), otter (Lutra canadensis), and fisher (Martes pennanti) shall remain closed.

No live furbearing animal may be taken from the wild or possessed alive by non-residents. Residents must first have a valid non-traditional livestock license for that purpose issued by the Board of Animal Health.

26. **AIRCRAFT, MOTOR-DRIVEN VEHICLES, AND LIGHTS.**

It is illegal to drive, concentrate, rally, raise, stir up, spot, or disturb game with aircraft.

It is illegal to shoot with bow and arrow or firearm while in or on a motor-driven vehicle, except as otherwise provided by law.

It is illegal to carry a firearm in or on a motor-driven vehicle with a cartridge in the chamber, except as otherwise provided by law. The entire cylinder of a revolver is considered the chamber, requiring the revolver to be completely unloaded. It is illegal to carry any muzzleloading firearm in or on a motor-driven vehicle with a percussion cap on the nipple or powder in the flash pan.

No person may use motor-driven vehicles on North Dakota Game and Fish Department Conservation PLOTS (Private Land Open To Sportsmen) property. These areas have been entrusted to the public for walking access through written agreements by private landowners. The boundaries of these properties are delineated in the North Dakota Game and Fish Department's annual PLOTS Guide and on-site by large yellow triangular signs.

Use of night vision equipment or electronically enhanced light gathering optics for locating or hunting game is prohibited.

MOTOR-DRIVEN VEHICLES AND AIRCRAFT IN THE TAKING OF FURBEARERS. It is illegal to drive vehicles off established roads and trails during the deer gun season while attempting to take furbearers with firearms, archery equipment, and dogs. Aircraft may not be used to take coyotes, fox, or any other furbearer, without a special permit.

27. **EXPOSED BAITS.** It is illegal to place traps or snares within 25 feet of any sight-exposed bait. A sight-exposed bait is defined as any bait weighing in excess of one pound, composed of animal flesh, fur, hide, entrails, or feathers placed in such a manner that it can be seen by a soaring hawk, owl, or eagle.
28. **SANDHILL CRANE UNITS:** There shall be two management units for regulating the harvest of sandhill cranes in 2005. The two units are:

Unit 1. That portion of North Dakota lying west of U.S. Highway 281. In Unit 1, sandhill cranes may be taken from September 17 through November 13, 2005. The daily bag limit shall be 3 cranes and the possession limit 6 cranes.

Unit 2. That portion of North Dakota lying east of U.S. Highway 281. In Unit 2, sandhill cranes may be taken from September 17 through October 23, 2005. The daily bag limit shall be 2 cranes and the possession limit 4 cranes.

Hunters may not aggregate daily bag or possession limits from the two units.

To hunt sandhill cranes, each hunter must possess a general game and habitat license, a small game or waterfowl license (excepting those under 16 years of age), and a \$5.00 sandhill crane hunting permit available from the North Dakota Game and Fish Department's Bismarck office. Nonresident sandhill crane hunters using a waterfowl license must hunt only in their waterfowl zone (Exception: nonresidents using a statewide waterfowl license). Those nonresidents using a small game license can hunt in either crane unit.

It is illegal to shoot from open water or from a boat or other floating vessel in open water while hunting sandhill cranes.

29. **MOURNING DOVES** may be taken statewide from September 1 through October 30, 2005. The daily limit shall be 15 and the possession limit 30.
30. **CROWS** may be taken statewide from August 13, 2005 through October 23, 2005, and from March 18, 2006 through April 30, 2006. There shall be no limit on the number of crows taken. In addition to the crow season, crows may be taken when committing or about to commit depredations as specified in federal law (50 CFR 21.43).
31. **SNIFE** may be taken statewide September 17 through November 27, 2005. The daily bag limit shall be 8 and the possession limit 16.
32. **WOODCOCK** may be taken statewide September 24 through November 6, 2005. The daily bag limit shall be 3 and the possession limit 6.

33. **SPECIAL EXTENDED FALCONRY SEASON.** Licensed falconers possessing the appropriate North Dakota licenses may hunt resident game species from August 6, 2005 through March 19, 2006. Bag and possession limits shall be the same as for gun hunting during the regular season. During the extended season for resident species, the daily bag limit shall be 1 in aggregate and the possession limit shall be 2 in aggregate for all legal resident game species.

Licensed falconers possessing the appropriate North Dakota hunting licenses and a federal migratory hunting stamp may hunt legal migratory game birds during the regular gun hunting seasons. In addition, licensed falconers may hunt snipe from September 1 through September 17 and ducks, mergansers and coots from September 5 through September 9, 2005 and September 12 through September 16, 2005. The bag and possession limits for all permitted migratory birds shall not exceed 3 and 6 birds, respectively, singly or in aggregate, during both regular hunting seasons and extended falconry seasons.

It shall be illegal for falconers to have uncased firearms in their possession while in the field during these extended seasons.

34. **TUNDRA SWANS** may be taken statewide October 1, 2005 through December 11, 2005. A total of 2,200 licenses will be available and issued through a lottery. Successful applicants will be allowed to take one swan during the season. The Department will accept lottery applications through August 17, 2005. A person may submit only one application. North Dakota residents and non-residents shall be eligible to apply.

Immediately upon killing a swan, the hunter must indicate the date of kill by cutting out the appropriate month and day from the tag provided with the license, and attach it around the leg of the swan in an exact manner as described on the tag backing, to prevent its removal. In no case is it legal to possess a swan unless it is properly tagged. The tag shall remain with the carcass until January 31, 2006 or until the meat is consumed.

35. **SEPTEMBER CANADA GOOSE SEASON.** Canada geese may be taken statewide from September 1 through September 15, 2005. The daily limit shall be 5 Canada geese. The possession limit shall be 10 Canada geese.

To hunt this Canada goose season each hunter must possess the licenses and certification required to hunt waterfowl in North Dakota (Sec. 10).

36. **VIOLATIONS AND PENALTIES.**

Possession or use of shot other than "non-toxic shot" in a restricted area or while hunting those species listed in Section 5. (Section 5)--penalty - noncriminal-\$100.

Failure to register for the Harvest Information Program. (Section 10) - noncriminal - \$25.

Hunting migratory game birds or upland game with shotgun capable of holding more than three shells. (Section 5)--penalty - noncriminal-\$25.

Failure to sign or affix stamps to the licensee's fishing, hunting, and furbearer certificate (Section 10)--penalty - noncriminal - \$25.

Failure to leave one fully feathered wing or the fully feathered head of all waterfowl, crane, tundra swans, snipe, woodcock, dove, and one leg and foot or the fully feathered head or wing of pheasants, Hungarian partridge, and all grouse attached during the transportation or shipment to final place of storage (Section 8)--penalty - noncriminal - \$50.

Failure to accompany one's own game during transportation or transporting another's game (Section 9)--penalty - noncriminal - \$100.

No person may keep or carry in or on any motor-driven vehicle any firearm with a cartridge in the chamber while hunting game birds or game animals (Section 26)--penalty - \$100.

Placing traps within 25 feet of any sight exposed bait (Section 27)--penalty - non-criminal - \$100.

Failure to restore a muskrat hut to its approximate original condition (Section 20)--penalty - noncriminal - \$50.

Wanton waste of migratory birds and upland game (Section 7) -- 1 to 5 birds/animals, penalty - noncriminal -\$25 per bird/animal, in excess of 5 birds/animals - Class B misdemeanor.

Exceeding daily bag limit of small game (Section 12, 13, 14, 15, 16, 17 and 18)--1 in excess of the daily limit, penalty - noncriminal - \$100. A second or second violation within one year shall be a Class B misdemeanor.

Hunting before or after legal hours (Section 4) up to 30 minutes--penalty - noncriminal - \$100. In excess of 30 minutes - Class B misdemeanor.

Use of a motor-driven vehicle in a restricted area (Section 26)--penalty - noncriminal -\$50.

Taking wrong sex upland game bird-Section 12)--penalty-noncriminal \$100 for the first bird. In excess of one bird -Class B Misdemeanor.

GIVEN UNDER MY HAND and the Great Seal of the State of North Dakota this
____15th____ day of August 2005.

/s/_____
John Hoeven
Governor

Attest:
/s/_____
Secretary of State

Deputy